

Jethro M. Eisenstein (JE6848)
PROFETA & EISENSTEIN
14 Wall Street, 22nd Floor
New York, New York 10005-2101
Tel. No.: (212) 577-6500
Fax No.: (212) 577-6702

Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FREDERICK W. JOHNSON, III,

08 CV 5499 (DAB)

Plaintiff,

ANSWER

-against-

MORAN TOWING & TRANSPORTATION,
LLC, MORAN TOWING CORPORATION
and MORAN TOWING & TRANSPORTATION,
INC.,

Defendants.

Defendants, Moran Towing & Transportation, LLC, Moran
Towing Corporation and Moran Towing & Transportation, Inc.,
by their attorneys, Profeta & Eisenstein, as and for their
answer, states as follows upon information and belief:

1. Admit the allegations contained in paragraph 1 of
the Complaint.

2. Admit the allegations contained in paragraph 2 of
the Complaint.

3. Admit the allegations contained in paragraph 3 of the Complaint.

4. Admit the allegations contained in paragraph 4 of the Complaint.

5. Admit the allegations contained in paragraph 5 of the Complaint.

6. Admit the allegations contained in paragraph 6 of the Complaint.

7. Admit the allegations contained in paragraph 7 of the Complaint.

8. Deny the allegations contained in paragraph 8 of the Complaint.

9. Deny the allegations contained in paragraph 9 of the Complaint.

10. Deny the allegations contained in paragraph 10 of the Complaint.

11. With respect to the allegations repeated and realleged in the paragraph 11 of the Complaint, defendants make the same admissions and denials as if herein set forth at length.

12. Deny the allegations contained in paragraph 12 of the Complaint.

AFFIRMATIVE DEFENSES

13. Plaintiff has heretofore been paid any and all sums due him as and for maintenance and cure.

14. Plaintiff's injury was caused or contributed to by his own failure to exercise due care.

WHEREFORE, defendants pray for judgment dismissing the Complaint with the costs and disbursements of this action.

Dated: New York, New York
August 18, 2008

Respectfully submitted,

PROFETA & EISENSTEIN
Attorneys for Defendants

A handwritten signature in black ink, reading "Jethro M. Eisenstein", with a long horizontal flourish extending to the right.

Jethro M. Eisenstein (JE 6848)
A Member of the Firm
14 Wall Street, 22nd Floor
New York, New York 10005-2101
(212) 577-6500

TO:

FRIEDMAN, JAMES & BUCHSBAUM, LLP
Attorneys for Plaintiff
132 Nassau Street, Suite 900
New York, New York 10038